

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Genevieve Lamont	Team: Squad #8	CCRB Case #: 201904410	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/14/2019 8:00 PM, Tuesday, 05/14/2019 9:00 PM, Tuesday, 05/14/2019 10:30 PM, Wednesday, 05/15/2019 5:00 AM, Friday, 05/31/2019 5:	Location of Incident: § 87(2)(b) , § 87(2)(b)	Precinct: 18	18 Mo. SOL 11/14/2020	EO SOL 7/1/2021	
Date/Time CV Reported Wed, 05/15/2019 3:25 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/21/2019 11:08 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM John Ouellette	22222	962651	MTN PCT
2. Officers			
3. POF Katherine Osipowich	26335	961046	MTN PCT
4. POM Ahmed Abdalla	07927	948580	MTN PCT
5. POM Tamer Sergany	02409	961271	MTN PCT
6. POM William Mackay	26565	961416	MTN PCT
7. POM Gerard Separta	31201	964760	MTN PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gregory Dolan	14588	922270	MTN PCT
2. POM Alexander Delgado	15074	955864	MTN PCT
3. POM Christophe Levey	16712	957767	MTN PCT
4. POF Lisa Albano	01328	962208	MTN PCT
5. POF Alyssa Vogel	28333	962599	MTN PCT
6. POM Daniel Burke	13384	962279	MTN PCT
7. POM Timothy Delwey	00606	961734	MTN PCT
8. POM Patrick Riordan	22234	962729	MTN PCT
9. LT Liam Cawley	00000	948769	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Ouellette	Force: On May 14, 2019, § 87(2)(b) in Manhattan, Police Officer John Ouellette pointed his gun at § 87(2)(b)	
B. Officers	Force: On May 14, 2019, at § 87(2)(b) § 87(2)(b) in Manhattan, officers pointed thier gun at § 87(2)(b)	
C.POM Ahmed Abdalla	Discourtesy: On May 14, 2019, at the 18th Precinct stationhouse in Manhattan, Police Officer Ahmed Abdalla spoke discourteously to § 87(2)(b)	
D.POM Ahmed Abdalla	Off. Language: On May 14, 2019, at the 18th Precinct stationhouse in Manhattan, Police Officer Ahmed Abdalla made remarks to § 87(2)(b) based upon his perceived sexual orientation.	
E.POM John Ouellette	Abuse: Police Officer John Ouellette did not obtain medical treatment for § 87(2)(b)	
F.POM John Ouellette	Abuse: On May 14, 2019, at § 87(2)(b) in Manhattan, Police Officer John Ouellette forcibly removed § 87(2)(b) to the hospital.	
G.POM Ahmed Abdalla	Abuse: On May 14, 2019, at § 87(2)(b) in Manhattan, Police Officer Ahmed Abdalla forcibly removed § 87(2)(b) to the hospital.	
H.POF Katherine Osipowich	Discourtesy: On May 14, 2019, at § 87(2)(b) in Manhattan, PO Katherine Osipowich spoke discourteously to § 87(2)(b)	
I.POM Gerard Scparta	Abuse: On May 15, 2019, at § 87(2)(b) Police Officer Gerard Scparta forcibly removed § 87(2)(b) to the hospital.	
J.POM William Mackay	Abuse: On May 15, 2019, at § 87(2)(b) Police Officer William Mackay forcibly removed § 87(2)(b) to the hospital.	
K.POM Tamer Sergany	Abuse: On May 15, 2019, at § 87(2)(b) Police Officer Tamer Sergany forcibly removed § 87(2)(b) to the hospital.	
L.POM Ahmed Abdalla	Abuse: On May 31, 2019, at § 87(2)(b) in Manhattan, Police Officer Ahmed Abdalla threatened to arrest § 87(2)(b)	

Case Summary

On May 21, 2019, § 87(2)(b) filed the following complaint with the CCRB.

On May 14, 2019, at approximately 8:00 p.m., § 87(2)(b) returned to his apartment, located at § 87(2)(b) in Manhattan, where he observed that his roommate, § 87(2)(b) had placed a padlock on his bedroom door. § 87(2)(b) then used § 87(2)(b)'s guitar to break the padlock. Approximately ten minutes later, police officers from the 18th Precinct, including PO Ahmed Abdalla, PO John Oullette, and PO Katherine Osipowich, knocked on the apartment door, which § 87(2)(b) opened. PO Oullette, as well as other officers, pointed their guns at § 87(2)(b) (**Allegations A and B: Force;** § 87(2)(g) § 87(2)(b) was arrested for breaking § 87(2)(b)'s guitar and was transported to the 18th Precinct stationhouse.

While lodged in the stationhouse holding cell, § 87(2)(b) became sick and threw up. In response to this, PO Abdalla allegedly called him a “fucking faggot” (**Allegation C: Discourtesy and Allegation D: Offensive Language;** § 87(2)(g) § 87(2)(b) then allegedly asked PO Abdalla to go to the hospital, however PO Oullette refused to get him treatment (**Allegation E: Abuse of Authority;** § 87(2)(g) § 87(2)(b) was later released with a desk appearance ticket.

§ 87(2)(b) returned to his apartment, where he got into another altercation with § 87(2)(b). Officers, including PO Abdalla and PO Oullette responded and removed § 87(2)(b) to § 87(2)(b) (**Allegations F and G: Abuse of Authority;** § 87(2)(g) [BR01]. § 87(2)(b) asked PO Osipowich to ride in the ambulance with him, to which she allegedly responded, “Oh, you don’t want me, I’m more of a bitch than they are.” (**Allegation H: Discourtesy;** § 87(2)(g)

§ 87(2)(b) was released from § 87(2)(b) at approximately 5:00 a.m. on, May 15, 2019, and returned to his apartment. Upon seeing that his apartment had allegedly been broken into, he called 911 again. PO Gerard Scparta, PO William MacKay, and PO Tamer Sergany responded to the scene, and removed § 87(2)(b) to § 87(2)(b) West (**Allegations I through K: Abuse of Authority;** § 87(2)(g) [BR02]. § 87(2)(b) was released later that day.

On May 31, 2019, at approximately 5:45 p.m., § 87(2)(b) was allegedly assaulted by his then-roommate, whose identity is unknown to the investigation. PO Abdalla and PO Oullette responded to § 87(2)(b) in Manhattan and arrested the individual. As § 87(2)(b) was being treated by an EMT, PO Abdalla allegedly told him that if he came back to the apartment, he would be arrested (**Allegation L: Abuse of Authority;** § 87(2)(g)

BWC footage from PO Oullette, PO Abdalla, PO Osipowich, PO Burke, PO Delgado, PO Albano, PO Leve, PO Vogel, Lt. Crawley, PO Delwey, Sgt. Chateau, PO Riordan, PO Buckley, PO Schneyer, PO Bianco, PO Scparta, PO MacKay, and PO Sergany was all obtained by the investigation for the all incident dates [BR03 through BR41]. The investigation also obtained 18th Precinct stationhouse footage and surveillance footage from 454 W. 47th Street, both capturing the incident on May 14, 2019 [BR42 and BR43, respectively].

Findings and Recommendations

Allegation (A) Force: On May 14, 2019, § 87(2)(b) in Manhattan § 87(2)(b) Police Officer John Ouellette pointed his gun at § 87(2)(b)

Allegation (B) Force: On May 14, 2019, at § 87(2)(b) § 87(2)(b) in Manhattan, officers pointed their gun at § 87(2)(b)

It is undisputed that PO Oullette pointed his gun at § 87(2)(b) when responding to his apartment.

§ 87(2)(b) testified that on May 14, 2019, between 5:30 p.m. and 6:30 p.m., he returned to his apartment, but was unable to get in, as he had given his key to his friend “§ 87(2)(b) who was not answering the door. § 87(2)(b) was inside the apartment with his friend, whom § 87(2)(b)

§ 87(2)(b) did not know. § 87(2)(b) did not provide contact information for § 87(2)(b). § 87(2)(b) climbed through the window to get into his apartment. Upon entering his apartment, § 87(2)(b) saw that § 87(2)(b) who was not home, had placed a padlock on the door to his bedroom. He then used § 87(2)(b)'s guitar to break the padlock; § 87(2)(b) testified that, at the time, he did not know if it was his or § 87(2)(b)'s guitar that he used. Approximately five to ten minutes later, § 87(2)(b) heard a knock on the door, looked through the peephole, and saw officers with their guns drawn. § 87(2)(b) opened the door and two officers pointed their guns at his face. He did not recall which officers did this. § 87(2)(b), § 87(2)(b) and § 87(2)(b) were all interviewed by the officers, and § 87(2)(b) learned from the officers that § 87(2)(b) told them he had a knife, which he denied. After of couple of minutes, PO Abdalla arrested § 87(2)(b) for damaging § 87(2)(b)'s property [BR44].

§ 87(2)(b) provided a phone statement to the investigation, in which he stated that § 87(2)(b) came through the window of the apartment and chased him out of the apartment. He refused to provide any additional information to the investigation [BR45]. The Event Information noted that § 87(2)(b) was inside the apartment with a knife [BR46].

PO Oullette testified that he received a 911 call of a dispute with a knife. Upon arriving on scene, he met § 87(2)(b) who told him that § 87(2)(b) was upstairs and pulled a knife on him, and PO Oullette went upstairs to the apartment. His firearm was drawn at this point, as there was an alleged deadly weapon. He was not sure if the other officers' guns were drawn. PO Oullette was the first officer to reach the apartment door. He knocked on the door, which § 87(2)(b) answered. PO Oullette pointed his gun at § 87(2)(b) but did not know where on his body he pointed it. PO Oullette pulled § 87(2)(b) out of the apartment. He did not see a knife at this point. PO Oullette kept his firearm drawn while he cleared the apartment and holstered it after determining there was no one else inside. § 87(2)(b) acknowledged to the officers that he damaged § 87(2)(b)'s guitar and was arrested for property damage [BR47].

PO Osipowich testified that she did not point her gun at § 87(2)(b) during the incident. She stated that she may have withdrawn her firearm during the incident. She believed that § 87(2)(b) was arrested during the incident, but she did not recall what for [BR48].

PO Oullette's BWC shows him entering the apartment building with his gun held in front of him, pointed forwards. At 00:50 minute mark, PO Oullette knocks on § 87(2)(b)'s door, which opens, and PO Oullette tells § 87(2)(b) to get on the floor. He is pointing his gun at § 87(2)(b) while he is doing this. PO Oullette has his gun drawn and pointed until the 2:00 minute mark after he finishes walking through the apartment [BR03]. PO Osipowich's BWC shows that she was next to PO Oullette at § 87(2)(b)'s door, but neither her nor PO Oullette's BWC shows PO Osipowich withdrawing or pointing her gun at § 87(2)(b) [BR09 and BR03, respectively].

According to Patrol Guide Procedure 221-01, a member of service's decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present [BR49].

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Discourtesy: On May 14, 2019, at the 18th Precinct stationhouse in Manhattan, Police Officer Ahmed Abdalla spoke discourteously to § 87(2)(b).

Allegation (D) Offensive Language: On May 14, 2019, at the 18th Precinct stationhouse in Manhattan, Police Officer Ahmed Abdalla made remarks to § 87(2)(b) based upon his perceived sexual orientation.

Allegation (E) Abuse of Authority: On May 14, 2019, at the 18th Precinct stationhouse in Manhattan, Police Officer John Oullette failed to obtain medical attention for § 87(2)(b).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) testified that after he was handcuffed, he was transported to the 18th Precinct stationhouse by PO Oullette and PO Abdalla, where he was placed in the holding cell. While inside, he began to hyperventilate and subsequently threw up. In response, PO Abdalla called § 87(2)(b) a “fucking faggot”. § 87(2)(b) asked PO Abdalla for medical attention, which he refused. After one to two hours, § 87(2)(b) was released with a desk appearance ticket. As § 87(2)(b) exited the stationhouse, he told the officers, “Fuck you” and flipped them off [BR44].

PO Oullette testified that five minutes after he placed § 87(2)(b) in the holding cell, he told him that he needed to go to the hospital but did not specify as to why. PO Oullette informed him that they would call an ambulance, but did not recall who called the ambulance. He then went to process § 87(2)(b)'s arrest. He did not recall § 87(2)(b) throwing up in the cell or any officer informing him of this. He did not hear PO Abdalla call § 87(2)(b) a “fucking faggot”. According to his memo book, § 87(2)(b) was released approximately an hour and a half later. As he was being released, § 87(2)(b) began to yell obscenities at them and flipped them off. PO Oullette informed him that an ambulance was coming for him, but he refused to wait. § 87(2)(b) then left the stationhouse [BR47].

PO Abdalla was largely consistent with PO Oullette. He did not see § 87(2)(b) throw up in the holding cell and denied calling § 87(2)(b) a “fucking faggot”. Upon § 87(2)(b)'s release, PO Abdalla also informed him that EMS was on their way for him, but § 87(2)(b) took his DAT and ran out of the stationhouse [BR50].

Stationhouse footage from the 18th Precinct shows that § 87(2)(b) threw up in the holding cell and PO Abdalla, as well as other officers, speaking with § 87(2)(b). It does not capture any audio [BR42].

BWC footage is consistent with the officers' testimony. When responding to § 87(2)(b)'s apartment later that night, PO Vogel's BWC footage, at the 8:20 minute mark, captures PO Oullette telling § 87(2)(b) “we let you go...remember we gave you a chance to go at the precinct and you didn't want to go” [BR23].

While it is undisputed that § 87(2)(b) became sick in the holding cell, the

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (F) Abuse of Authority: On May 14, 2019, at § 87(2)(b) in Manhattan, Police Officer John Ouellette forcibly removed § 87(2)(b) to the hospital.

Allegation (G) Abuse of Authority: On May 14, 2019, at § 87(2)(b) in Manhattan, Police Officer Ahmed Abdalla forcibly removed § 87(2)(b) to the hospital.

Allegation (H) Discourtesy: On May 14, 2019, at § 87(2)(b) in Manhattan, PO Katherine Osipowich spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) was removed to the hospital, however it was determined that EMT § 87(2)(b) and EMT § 87(2)(b) made this decision. § 87(2)(g)

§ 87(2)(b) testified that when he returned to his apartment, he and § 87(2)(b) had another dispute, and that § 87(2)(b) called 911 to again report that § 87(2)(b) had a knife. § 87(2)(b) went inside and called 911 to inform them that he did not have a knife. As he was calling 911, PO Abdalla and additional officers, including PO Osipowich and PO Ouellette, arrived on scene, and PO Abdalla immediately handcuffed § 87(2)(b). He was brought downstairs, where EMS was waiting. § 87(2)(b) was placed in the back of the ambulance, where EMT § 87(2)(b) took his vitals. PO Abdalla told her that § 87(2)(b) was suicidal and to “book him” § 87(2)(b) denied being suicidal. As they were leaving the scene, § 87(2)(b) asked PO Osipowich to ride with him rather than PO Ouellette. PO Osipowich responded, “Oh you don’t want me, I’m more of a bitch than they are.” § 87(2)(b) was transported to § 87(2)(b) Hospital in Manhattan, where he was released from the psychiatric ward after two hours [BR44].

EMT § 87(2)(b) testified that, based on his recollection of the ambulance care report, § 87(2)(b) told the EMTs that he wanted to go to the hospital to have his blood pressure checked. The officers informed him and EMT § 87(2)(b) that § 87(2)(b) was arrested earlier in the day for threatening his neighbor with a hammer. He stated that § 87(2)(b) was removed for evaluation but did not recall if it was for a psychiatric evaluation. EMT § 87(2)(b) did not hear PO Abdalla tell them to “book” § 87(2)(b) for suicide nor did he hear PO Osipowich use discourteous language during the incident [BR51]. EMT § 87(2)(b) was consistent with EMT § 87(2)(b) stating that § 87(2)(b) wanted to go to the hospital because his blood pressure was high. § 87(2)(b) appeared to be upset and was crying with an elevated voice. She did not recall § 87(2)(b) or any officer telling her that § 87(2)(b) was a harm to himself. She added that § 87(2)(b) must have been removed for evaluation, because they went to § 87(2)(b) which was farther away than the three other hospitals in the vicinity, but was the closest hospital with a psychiatric ward. § 87(2)(b) asked a female officer to ride with him, but EMT § 87(2)(b) did not hear her respond, “You don’t want me, I’m more of a bitch than they are.” EMT § 87(2)(b) believed that § 87(2)(b) could be a harm to himself or others, based on his arrest history and behavior on scene [BR52].

PO Ouellette testified that he received a 911 call for an incident in progress at § 87(2)(b) s apartment. Upon arriving on scene, he and PO Abdalla spoke with § 87(2)(b) who was crying and kept saying “you can’t do this to me.” PO Ouellette requested medical attention for § 87(2)(b) based upon his previous request at the stationhouse, his demeanor, and his medical history he had disclosed at the stationhouse. He did not recall who called for EMS. He added that § 87(2)(b) was “clearly going through something.” He did not remember if he believed § 87(2)(b) to be a harm to himself or others, but observed that he was in emotional distress, which is why he marked him as an emotionally disturbed person. PO Ouellette did not recall what information he provided the EMTs but did not hear PO Abdalla tell them to “book” § 87(2)(b) for suicide. He did not hear PO Osipowich use discourteous language during the incident. PO Ouellette initially testified that he and PO Abdalla determined to remove § 87(2)(b) to the hospital, but later clarified that they determined to call EMS and that EMS made final determination regarding the removal [BR47].

PO Abdalla was largely consistent with PO Oullette regarding the incident. He did not recall specifically why § 87(2)(b) was marked as an EDP, but testified that it was due to his behavior, which he could not recall. He denied telling the EMTs to book § 87(2)(b) for suicide [BR50]. PO Osipowich testified that she responded to § 87(2)(b)'s apartment after his arrest but did not recall if it was on May 14 or May 15 or if she was present when § 87(2)(b) was removed to the hospital. She denied telling § 87(2)(b) "You don't want me, I'm more of a bitch than they are", when he asked her to accompany him in the ambulance [BR48].

BWC footage from PO Vogel, an officer on scene, captured the incident. At the 00:43 minute mark, PO Abdalla asks § 87(2)(b) if he needs medical attention, to which § 87(2)(b) responds that he is "on the phone with them" and PO Abdalla tells him to hang up. The officers tell § 87(2)(b) that he needs to go to the hospital, and § 87(2)(b) complies with this. He and the officers exit the building to wait for the ambulance. At 8:20 minutes the ambulance arrives, which PO Oullette tells § 87(2)(b) is to take him to the hospital. § 87(2)(b) then asks why he has to go the hospital, to which PO Oullette responds, "we let you go...remember we gave you a chance to go at the precinct and you didn't want to go. Now you're going." [BR23]. PO Abdalla's BWC also captured the incident, and at the 02:03 minute mark, PO Abdalla tells § 87(2)(b) he has to go to the hospital, to which § 87(2)(b) responds, "That's fine, I'll go to the hospital" [BR07]. All officers turn off their BWC's when they approach the EMTs, citing HIPAA rights [BR04, BR07, BR16, and BR23].

As per Patrol Guide Procedure 216-01, uniformed members of service shall cooperate with ambulance/hospital personnel in every reasonable manner [BR58].

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (I) Abuse of Authority: On May 15, 2019, at § 87(2)(b) Police Officer Gerard Scparta forcibly removed § 87(2)(b) to the hospital.

Allegation (J) Abuse of Authority: On May 15, 2019, at § 87(2)(b) Police Officer William Mackay forcibly removed § 87(2)(b) to the hospital.

Allegation (K) Abuse of Authority: On May 15, 2019, at § 87(2)(b) Police Officer Tamer Sergany forcibly removed § 87(2)(b) to the hospital.

While it is undisputed that § 87(2)(b) was removed to the hospital, § 87(2)(g)

§ 87(2)(b) testified that, upon returning from § 87(2)(b) at approximately 5:00 a.m. the next morning, he went back to his apartment, where he discovered that his iPad had been stolen. § 87(2)(b) called 911, and officers, including PO Scparta, PO MacKay and PO Sergany arrived on scene, and an officer told him that he was going to the hospital. When § 87(2)(b) asked why, an officer told him that something was going on with him and asked, "Do you know how many times you've called today?" § 87(2)(b) was removed to § 87(2)(b) West, where he was released about two hours later [BR43].

PO Scparta testified that he received a radio run call for a larceny in progress at § 87(2)(b) in Manhattan and responded to the scene. Upon arriving, he spoke with § 87(2)(b) who stated that someone had burglarized his apartment. He later told the officers that his neighbor stole his iPad. PO Scparta stated that he observed syringes on the kitchen counter but did not question § 87(2)(b) about this, as it was not relevant at that point in the investigation. PO Scparta and

PO MacKay went upstairs to speak with § 87(2)(b) who denied stealing § 87(2)(b)'s iPad and told the officers that § 87(2)(b) was arrested earlier for breaking his property. After speaking with § 87(2)(b) PO Scparta determined that there was no larceny. He returned downstairs, informed § 87(2)(b) what his neighbor had said and asked § 87(2)(b) for the “real story”, as there was no proof that his iPad was stolen. § 87(2)(b) kept repeating that his iPad was stolen and changed his story again, telling the officers that the neighbors upstairs were illegally married. As § 87(2)(b) was becoming upset, PO Scparta asked him if he had used narcotics that evening, such as meth, which led PO Scparta marking the incident an EDP call. The officers informed § 87(2)(b) that he was going to the hospital, but PO Scparta testified that in actuality the EMTs made this determination. PO Scparta explained that it is their procedure to call EMS once an individual acknowledges using narcotics, as they do not know if they will overdose or have a reaction. PO Scparta also stated that § 87(2)(b)'s behavior led him to be concerned for his, the officers, and § 87(2)(b)'s safety, as § 87(2)(b)'s behavior was getting more aggressive, although he was not making threats or taking any physical actions. When the EMTs arrived on scene, they conducted an interview with § 87(2)(b) which PO Scparta stated he could not provide details of, as it was protected by HIPAA. He did not remember if he was present for the entire interview and stated he was not paying attention. At one point, he informed the EMTs that § 87(2)(b) used meth. EMS made the ultimate determination to take § 87(2)(b) to the hospital and took him to § 87(2)(b) Hospital in Manhattan [BR53].

PO MacKay was largely consistent with PO Scparta, however he did not recall any conversation with § 87(2)(b) regarding his narcotic use. He testified that at one point it was determined that EMS needed to be called to evaluate § 87(2)(b) but he did not recall at what point this was. § 87(2)(b) was very frantic and was sweating, had glossy and darting eyes, was talking frantically, and had told the officers that he climbed through his apartment window recently, all which led PO MacKay to not feel safe leaving § 87(2)(b) by himself. He did not recall anything else that caused him to be concerned for § 87(2)(b)'s safety [BR54].

Both EMT § 87(2)(b) and EMT § 87(2)(b) the responding EMTs, did not recall the incident and could not provide any details as to why § 87(2)(b) was removed to § 87(2)(b) West [BR55 and BR56]. The ambulance care report (ACR), prepared by EMT § 87(2)(b) noted that he and EMT § 87(2)(b) were flagged to the location, where they evaluated § 87(2)(b) who was experiencing “periods of confusion”, possibly from smoking meth, and displaying paranoid delusions. It noted that § 87(2)(b) did not express suicidal or homicidal ideation [BR57].

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b). At the 10:35 minute mark in PO MacKay's BWC, PO Scparta asks § 87(2)(b) if he had taken any drugs prior to them arriving, which he denies. PO Scparta and PO MacKay then both tell § 87(2)(b) that he has to go to the hospital and PO MacKay tells § 87(2)(b) that, “something is going on” and that it is protocol when there is “something going on.” At no point prior to the EMTs arriving does § 87(2)(b) inform the officers that he has taken meth [BR35]. Upon viewing PO MacKay's BWC, PO Scparta did not remember if there was a previous conversation about drugs or if he had multiple conversations about drug usage during the incident but reiterated that § 87(2)(b) told them that he had taken meth [BR53]. None of the officers BWC captures the conversation between the EMTs and § 87(2)(b) [BR32 through BR40]. In PO Sergany's BWC, § 87(2)(b) is escorted downstairs at 8:00 minutes, and PO Sergany speaks with the EMTs. At approximately 8:15 minutes, he informs the officers that § 87(2)(b) is taking meth, but his reasoning for believing so cannot be heard on the BWC footage [BR33].

§ 87(2)(b), § 87(2)(g)

Allegation (K) Abuse of Authority: On May 31, 2019, at § 87(2)(b) in Manhattan, Police Officer Ahmed Abdalla threatened to arrest § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) testified that after the May 14 incident, he and his landlord, § 87(2)(b) reached an agreement in court that he would vacate the apartment in exchange for the surveillance footage from May 14, 2019. On May 31, 2019, at approximately 5:00 p.m., § 87(2)(b) went back to his apartment building and informed his new roommate, whose name is unknown to the investigation, that he had to leave the apartment. His roommate attacked him with a chair and butter knife, and § 87(2)(b) ran out of the apartment and called the police. PO Abdalla and additional officers arrived on scene, who then arrested his roommate. As § 87(2)(b) was being treated in the ambulance, PO Abdalla approached him and told him that if he came back to the apartment he would be arrested. PO Abdalla did not say what § 87(2)(b) could be arrested for [BR44].

PO Abdalla did not have an independent recollection of speaking with § 87(2)(b) on May 31, 2019. He did not recall § 87(2)(b) being attacked by a knife that day. He stated that there was another incident in which § 87(2)(b) called 911 and an arrest was made but did not recall if EMS was called that day or any other details of the incident. He stated that he had a few further interactions with § 87(2)(b) regarding ongoing issues with the apartment [BR50].

PO Oullette testified that he and PO Abdalla responded to § 87(2)(b)'s call reporting an assault. § 87(2)(b) told the officers he had been stabbed and showed them the mark on his ribs, which they determined to be a scrape. PO Oullette stated that they arrested the individual § 87(2)(b) had been subletting to, who was responsible for the injuries. EMS was called to the scene, but PO Oullette did not recall if § 87(2)(b) went to the hospital. PO Oullette did not hear PO Abdalla tell § 87(2)(b) that if he came back to the apartment that he would be arrested and was not aware of anything that § 87(2)(b) could have been arrested for. He and PO Abdalla transported the roommate to the 18th Precinct stationhouse [BR47].

No BWC footage from the incident captured the alleged interaction between PO Abdalla and § 87(2)(b) as both PO Abdalla and PO Oullette place their cameras inside the transport vehicle with the roommate once they exit the building [BR05 and BR08, respectively].

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) .
- PO Osipowich has been a member of service for four years and has been subject in two prior CCRB complaint and three allegations, none of which have been substantiated. PO § 87(2)(g)
- PO Abdalla has been a member of service for nine years and has been subject in seven prior CCRB complaints and 11 allegations.
 - Case #201211620 substantiated a refusal to provide name/shield number and retaliatory summons allegation, for which the Board recommended Charges. The NYPD disposition determined he was guilty, and PO Abdalla forfeited five vacation days.

- Case #201706475 substantiated an interference with recording and retaliatory summons allegation, for which the Board recommended that Command Discipline B.

§ 87(2)(g)

- PO Oullette has been a member of service for three years and has been a subject in one prior CCRB complaint and two allegations, neither of which were substantiated. PO

§ 87(2)(g)

- PO Mackay has been a member of service for four years and has no prior CCRB complaints.
- PO Scparta has been a member of service for two years and has been a subject in two CCRB complaints and three allegations.
 - Case #201910270 substantiated a threat of arrest allegation, for which the Board recommended that PO Scparta receive formalized training.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was deemed unsuitable due to § 87(2)(b)'s arrest.
- As of February 11, 2020, § 87(2)(b) has not filed a Notice of Claim with the New York City Office of the Comptroller for any of the incidents [BR60].
- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal conviction history. § 87(2)(b).

Squad No.: 8

Investigator: Genevieve Lamont Inv. Lamont 3/30/2020
Signature Print Title & Name Date

Squad Leader: Ethan De Aneglo IM Ethan De Angelo 3/31/2020
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date